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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/382,375	08/24/1999	JEFFRY JOVAN PHILYAW	PHLY-24.745	5136

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EXAMINER

NGUYEN, HAI V

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 06/27/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/382,375

Applicant(s)

PHILYAW ET AL.

Examiner

Hai V. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 21 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-6 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 21 May 2003 has been entered.
2. This Action is in response to the communication received on 21 May 2003.
3. Claim 7 was cancelled.
4. Claims 1-6, 8 are presented for examination.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hudetz et al.** US patent no. **6,199,048 B1** in view of **Call** US patent no. **6,154,738**.

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7. As to claim 1, Hudetz, System And Method For Automatic Access Of Remote Computer Over A Network, discloses a method for providing an interconnection relationship between a product and a desired location (a desired resource) on a global communications network (Fig. 1, internet 20), comprising the steps of

disposing a machine readable product code on the product (Abstract, col. 3, lines 24-37, swiping a bar code reader over the UPC symbol), the machine readable product code having encoded product information contained therein, the product code having no routing information embedded therein which would allow the product code, in and of itself, to cause routing to the desired location over any path on the network (col. 3, 38-67; col. 4, lines 1-31; col. 8, lines 11-67; col. 9, lines 1-67; col. 10, lines 1-3);

reading the machine readable code at a user location on the network (col. 10, lines 58-67; col. 11, lines 1-67; col. 12, lines 1-23);

in response to the step of reading the machine readable product code, and without user intervention, decoding the product code (col. 9, line 55 - col. 12, line 23); However, Lowell does not explicitly disclose assembling a message packet containing the product information; transmitting the message packet to an intermediate code on the network having associated therewith a database. Thus, the artisan would have been motivated to look to the related internetworking art for potential methods and systems for implementing assembling a message packet containing the product information; transmitting the message packet to an intermediate code on the network having associated therewith a database.

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In the same field of endeavor, Call, a related Methods And Apparatus For Disseminating Product Information Via The Internet Using Universal Product Codes, discloses in the internetworking art the assembling a message packet (cross-references) containing the product information; transmitting the message packet to an intermediate node (Product Code Translator 101) on the network having associated therewith a database. Call discloses that in Fig. 2, manufactures submit the cross-references which relates their assigned universal product codes to associated internet addresses where information relating to their products may be obtained, col. 5, line 29 – col. 6, line 15). Call also suggests that the Product Code Translator as an Internet Resource, storing cross-references between universal product codes identifying specific products, and Internet addresses specifying the locations at which information about these products may be obtained (Call, col. 1, line 60 – col. 2, line 3).

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Call's teachings of the cross-referencing database to refer a product information inquiry to the server operated by the manufacturer, with the remainder of the product code being sent to the manufacturer's server to identify the particular product (Call, col. 2, lines 35-52) with the teachings of Hudetz, for the purpose of reducing the size of the cross-referencing database and further simplifying the process of registering manufacturers and maintaining the database (Call, col. 2, lines 44-52).

Hudetz-Call discloses converting in the database the decoded product code to routing information over the network to the desired location, which routing information,

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embedded within an instructional code, is returned to the user location and defines the manner by which a user or a computer at a user location wherein the machine readable code was read can communicate with the desired location via an interconnection therewith (Call, Fig. 2; items 213, 215, 211; col. 2, lines 4-63; col. 5, lines 28 – col. 9, line 67).

Hudetz-Call discloses receiving at the user location from the intermediate node on the network the instructional code that instructs the user node to connect to the desired location on the network (Call, col. 18, lines 8-33); and

Hudetz-Call discloses connecting the user location to the desired location in accordance with the received instructional code such that connection to the desired location is connected by the intermediate code (Call, col. 18, lines 8-33).

8. As to claim 2, Hudetz-Call discloses the product code comprises a UPC (Hudetz, Abstract, col. 6, lines 7-45; Call, Abstract).

9. As to claim 3, Hudetz-Call discloses the product code comprises an ISBN (Hudetz, Abstract, col. 6, lines 7-45; Call, col. 17, line 11 – col. 8, line 7).

10. As to claim 4, Hudetz-Call discloses the product code comprises an EAN (Hudetz, Abstract, col. 6, lines 7-45; Call, col. 4, lines 46-57).

11. As to claim 5, Hudetz-Call discloses the routing information comprises a universal resource locator (URL) that comprises a unique locator on the network to the desired location (Hudetz, col. 5, lines 55-67; col. 6, lines 1-6; Call, Fig. 2, items 213, 215).

12. As to claim 6, Hudetz-Call discloses wherein the step of converting comprises:

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providing the database (Call, Fig. 1, item 101) having stored therein an associative table which relates a plurality of product codes with associated locations on the network, each of the product codes having routing information to that associated location associated therewith (Call, Fig. 2; items 213, 215, 211; col. 5, line 30 – col. 9, line 67); and

comparing the decoded information of the product code with the table in the database to determine the routing information (Hudetz, Fig. 4; col. 7, lines 1-67; col. 8, lines 1-10; Call, Fig. 2, items 213, 215; col. 2, lines 4-63).

13. As to claim 8, Hudetz-Call discloses the step of reading comprises scanning of the machine readable code (Hudetz, Fig. 8, item 236) with a bar code scanner (Hudetz, Fig. 8, item 220) and wherein the machine readable code comprises a bar code (Hudetz, Fig. 8, item 236).

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Conclusion

14. Further references of interest are cited on Form PTO-892 which is an attachment to this office action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai V. Nguyen whose telephone number is 703-306-0276. The examiner can normally be reached on 8:00-4:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell can be reached on 703-305-9703. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7240.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-380/4700.

Hai V. Nguyen
Examiner
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KENNETH R. COULTER,
PRIMARY EXAMINER
